

**MINUTES OF THE  
AUBURN CITY PLANNING COMMISSION  
SEPTEMBER 2, 2003**

The regular session of the Auburn City Planning Commission was called to order on September 2, 2003 at 6:30 p.m. by Chairman Nesbitt in the Council Chambers, 1225 Lincoln Way, Auburn, California.

**COMMISSIONERS PRESENT:** Hale, Manning, McCord, Smith, Chrm. Nesbitt

**COMMISSIONERS ABSENT:** None.

**STAFF PRESENT:** Will Wong, Community Development Director; Reg Murray, Associate Planner; Janet Ferro, Administrative Secretary

**ITEM I: CALL TO ORDER**

**ITEM II: PLEDGE OF ALLEGIANCE**

**ITEM III: APPROVAL OF MINUTES**

None.

**ITEM IV: PUBLIC COMMENT**

None

**ITEM V: PUBLIC HEARING ITEMS**

- A. Use Permit and Sign Variance – 446 Grass Valley Highway Apex Honda) – File UP 88-45(B); VA 03-2.** The applicant requests an amendment to the existing use permit to allow outside storage. The request includes a variance to deviate from the City's sign requirements (i.e. exceed maximum size for a freestanding sign). *The Use Permit Amendment was continued from the meeting of July 1, 2003; the Variance request was continued from the meeting of August 19, 2003.*

Reg Murray gave the staff report, reviewing the recent history on this application. Staff is recommending approval of the Use Permit and denial of the Sign Variance requested and he noted the reasons for these recommendations.

The public hearing was opened.

Leslie Howard, co-owner of the property, advised the Commission that regarding the sign variance request, they have the smallest signs that Honda and Yamaha produce and allow on the front of the building. Also, they have a sign painted on the building giving the business name and this sign is the smallest that the Department of Motor Vehicles will allow to meet State Codes. In complying with these restrictions, they are still over the sign coverage allowed by the City Planning Department by 12 square feet and she stated this is the reason for the variance request. They intend to remove an additional 25 square feet of signage when and if they receive approval for a free-standing sign. She advised that they have had to ask for several continuances on their request for the free-standing sign as they have not received requested information from Honda for a monument sign draft. They would like a further continuance until December 2, 2003.

Howard then addressed landscaping, stating that they would like to modify the approved landscape plan by providing ceramic pots instead of the planters previously proposed, stating the reasons are obstruction and potential liability of the planter boxes. She noted that regarding outdoor storage, they are only storing merchandise on the south and east sides of the building. She stated they are in compliance with all the conditions with the exception of providing access across the north side of the lot, and she asked if they could provide a key to the tenant to the north so that he could access the area to get to the rear of his property until the litigation to decide this access issue is settled. They are requesting that the Commission approve the use permit amendment as presented, however they would ask that the condition requiring that access to the north is provided be changed to allow that a key be given to the tenant for access as desired.

Comm. Smith asked how the trash containers in the rear of the building are accessed by the disposal service. He also questioned why it would take so long to receive information requested from Honda.

Rolf Howard, co-owner of the business, explained that the dumpsters in the rear of the building belong to the tenants to the north and they are rolled to the front of their property for emptying. He added that the standard Honda

sign is a double pole sign that does not come in a monument form and this requested change is the reason it is taking so long to obtain a sign proposal from the Honda Corporation.

Comm. McCord inquired if the ceramic planters had been approved by staff and she was advised that a planting diagram has been submitted to staff for their approval.

Luis Bilbao, owner of the restaurant to the north of the applicant's business, added information on the dumpsters and noted that access to the garage in the rear is narrow and they would like it to be widened, and added that the solution of giving him a key to access the area until the litigation is settled is alright with him.

Annie Embree, attorney for the owner of the property to the north, stated that it is important to her client and the tenant that access to the area in question be unrestricted on a 24-hour basis. The key solution as a temporary remedy has the approval of her client also.

The public hearing was closed.

The Commissioners discussed the options available, including moving or removing fencing, and asked that the public hearing be reopened to obtain additional information from the applicants.

The public hearing was reopened.

Leslie Howard spoke to advise that they would prefer not to incur the expense of changing any fencing until after the litigation is decided later this year, and using the key solution as a temporary remedy until the court hearing.

Annie Embree stated again that her client also agreed with the key suggestion.

The public hearing was closed.

The Commissioners discussed various options.

Comm. Smith **MOVED** to amend Condition 4.d. of Exhibit A to read:

“Access to the north side of the lot shall be maintained free and clear on a 24-hour basis **by means of shared keyed access to the property owner to the north or their assignees.**

Comm. McCord **SECONDED.**

The motion was approved unanimously by voice vote.

Comm. Hale suggested moving the west gate on the north side of the property further to the east to gain a small area for additional storage. Comm. Manning felt the applicant would prefer to install another gate to the east part of the north side.

The public hearing was re-opened.

Leslie Howard came to the lectern to reiterate that they preferred to leave the fencing as it is for now.

Luis Bilbao stated that if the gate were moved closer to the east end he would not be able to access the garage as there is very limited space in that area.

The public hearing was closed.

Comm. McCord **MOVED** to approve the Use Permit Amendment for Apex Honda – 446 Grass Valley Highway – File # UP Amend 88-45(B) subject to the conditions listed in Exhibit A of the staff report as modified by the Planning Commission.

There was no second and the motion was no longer before the Commission.

Comm. Manning **MOVED** to amend Condition #13 to read:

“The applicant shall submit a detailed landscape plan to include a minimum of four (4) ceramic **secured** pots approximately 18” – 24” in diameter with shrubs. ~~The landscaping shall also be framed around the approved display area near the front of the building.~~ The landscape plan **per Exhibit C of the July 1, 2003 report** shall be subject to review and approval by the Community Development Department. All landscaping shall be maintained in a healthy condition. Dead plant material shall be replaced immediately.”

Comm. Smith **SECONDED.**

The amendment was approved unanimously by voice vote.

Comm. Smith **MOVED** to find the project Categorically Exempt from the California Environmental Quality Act (CEQA per Section 15301 – Existing Facilities.

Comm. Manning **SECONDED**.

AYES: Hale, Manning, McCord, Smith, Chrm. Nesbitt  
NONE: None  
ABSTAIN: None  
ABSENT: None

The motion was approved.

Comm. Smith **MOVED** to adopt the finding of fact for the Use Permit Amendment:

The establishment, maintenance, and/or conduct of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in such neighborhood or have an adverse effect on the inherent residential character of the City.

Comm. Manning **SECONDED**.

AYES: Hale, Manning, McCord, Smith, Chrm. Nesbitt  
NOES: None  
ABSTAIN: None  
ABSENT: None

The motion was approved.

Comm. Smith **MOVED** to approve the Use Permit Amendment for Apex Honda – 446 Grass Valley Highway – File # UP Amend 88-45(B) subject to the conditions listed in Exhibit A of the staff report as modified by the Planning Commission.

Comm. Manning **SECONDED**.

AYES: Hale, Manning, McCord, Smith, Chrm. Nesbitt  
NOES: None  
ABSTAIN: None  
ABSENT: None

The motion was approved.

Comm. Smith **MOVED** to deny the Variance for Apex Honda – 446 Grass Valley Highway (File # VA 03-2) based on the following findings:

1. Granting of the variance would be inconsistent with the limitations upon other properties in the vicinity and the C-3 zone district in which the subject property is situated.
2. Special circumstances including size, shape, topography, and location are not applicable to the subject property, in which the strict application of the provisions of this chapter deprives the subject property of privileges enjoyed by other properties in the vicinity in the C-3 zone district.
3. The applicant has not provided alternative information for consideration as directed by the Planning Commission.

Chrm. Nesbitt **SECONDED** for discussion.

Comm. McCord stated she did not desire to deny this request, but would prefer to continue the item to a date in the future after the litigation has been settled. There were various continuance times discussed, it was also noted that the applicant has been given sufficient time to submit the information required.

The vote on the motion to deny:

AYES: Hale, Manning, Smith  
NOES: McCord, Chrm. Nesbitt  
ABSTAIN: None  
ABSENT: None

The motion to deny was approved.

The Chairman announced the 10-day appeal period.

## ITEM VI:

## COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

**A.** City Council Meetings

Director Wong reviewed recent City Council meetings.

**B.** Future Planning Commission Meetings

The first hearing for the Planning Commission to discuss the Historic Ordinance and Design Guidelines will be September 29, 2003.

**C.** Reports

There was discussion of available funds for the upcoming Planners Institute and the Sierra Business Council conference.

**ITEM VII: PLANNING COMMISSION REPORTS**

None.

**ITEM VIII: FUTURE PLANNING COMMISSION AGENDA ITEMS**

None.

**ITEM IX: ADJOURNMENT**

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Janet Elaine Ferro, Administrative Secretary